

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Hope LeFleur,
Petitioner-Appellant,

v.

Dallas County Board of Review,
Respondent-Appellee.

ORDER

Docket No. 11-25-0288
Parcel No. 11-32-230-005

On November 3, 2011, the above-captioned appeal came on for hearing before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellant Hope LeFleur (LeFleur) requested a hearing and submitted evidence in support of her petition. She was self-represented. County Attorney Wayne Reisetter is the legal representative for the Board of Review and Assessor Steve Helm appeared for it at hearing. The Appeal Board now having examined the entire record, heard the testimony, and being fully advised, finds:

Findings of Fact

LeFleur, owner of property located at 511 S 4th Street, Adel, Iowa, appeals from the Dallas County Board of Review decision reassessing her property. According to the property record card, the subject property consists of a one-story, modular home with 2040 total square feet of living area, a full, unfinished basement, a 48 square-foot wood deck, and a 900 square-foot attached garage. The dwelling was built in 2006, and has a 4+5 quality grade. The dwelling is situated on a .084 acres site.

The real estate was classified as residential on the initial assessment of January 1, 2011, and valued at \$153,710, representing \$17,670 in land value and \$136,040 in dwelling value.

LeFleur protested to the Board of Review on the ground that the assessment is not equitable as compared to similar properties in the taxing jurisdiction under Iowa Code 441.37(1)(a). She provided

the Board of Review with assessments of five parcels she considered comparable. LeFleur sought an assessed value of \$82,800, allocated \$5300 to land value and \$77,500 in dwelling value. The Board of Review granted the protest, in part, and reduced the assessment to \$119,890, representing \$8840 in land value and \$111,050 in dwelling value.

LeFleur then filed her appeal with this Board on the same ground. Before this Board, LeFleur seeks an assessed value of \$86,340, allocated \$8840 to land value and \$77,500 in dwelling value.

LeFleur offered a list of fifteen properties she considered similar to the subject property. Only five of the properties were located in Adel, and of those only one property had a full basement like LeFleur's dwelling (Exhibit 1-Revised). That property was fairly close in size to the subject, but lacked a garage. Another dwelling which was also close in size and had a similar size garage lacked a basement. LeFleur calculated the average dwelling assessed value of all fifteen properties, without the assessed value of the land, at \$66,481 and then compared it to her dwelling assessed value of \$111,050. To compensate for the difference among the properties, LeFleur attempted to adjust these values by taking the assessed value of each dwelling and adding the cost value of each feature on the comparable search (Exhibit 12). This method fails to consider any adjustments for differences in condition, quality grade, age, basement finish, and location. Some of the dwellings were located in rural areas on gravel roads, lacked city services, and one was on leased land which may require locations adjustments.

LeFleur testified her property is assessed \$7000 more than similar properties. She believes there is an error in her home's plumbing listing which lists a whirlpool/Jacuzzi tub she does not have. LeFleur's property backs up to the Raccoon River and is subject to frequent backyard and basement flooding. She believes her basement value should be discounted because it is unusable for living area or storage due to the flooding problem. She reported the Army Corp of Engineers will not allow the backyard to be filled in because it could create flooding risk both upstream and downstream from her

property. LeFleur explained the her dwelling is a manufactured home, unlike a stick-built home, it is constructed in a factory and moved to the site in two pieces, and only final assembly is done on site.

The Board of Review offered an appraisal prepared by Dale Hoyt of Hoyt Appraisals in Jefferson, Iowa, done for refinancing in June 2009 (Exhibit A). The appraisal compared four sales and two active listings. Three of the four sales compared LeFleur's one-story, modular home to two-story, frame dwellings. Hoyt reported the property was in overall good condition and saw no adverse conditions. He noted the subject property was in a multiple flood zone area, but reported no evidence of basement dampness and did not adjust for the flood zone location.

Unadjusted sale prices ranged from \$175,000 to \$203,000, or \$89.77 to \$103.15 per square foot. Hoyt adjusted for site, total square feet of living area/room count, basement size and finish, garage stalls, and fireplace. The adjusted sale prices were \$177,940 to \$195,000. The active listings were adjusted -\$10,975 to -\$8450 as concessions resulting in adjusted values of \$177,350 and \$206,325. Hoyt arrived at a value of \$185,000 by the sales approach and \$192,339 by the cost approach to valuation. Hoyt concluded a final value of \$185,000. Hoyt's appraisal is not deemed credible because the majority of comparable properties are two-story, stick-built dwellings whereas, the subject property is a one-story, modular home, and no adjustments appear to recognize the differences. Additionally, no adjustments were made for location, despite the subject property being located in a multiple flood zone area, and none were made to reflect the periodic backyard and basement flooding.

Reviewing all the evidence, we find LeFleur did not provide proof by a preponderance of the evidence to support her claim of inequitable assessment as of January 1, 2011.

We recommend the assessor review the plumbing listing on the LeFleur property record card for accuracy, and inspect the site to determine the extent of flood damage in the backyard and basement which may require additional land and dwelling adjustments.

Conclusion of Law

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property "shall be one hundred percent of its actual value." § 441.21(1)(a).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shriver*, 257 Iowa 575, 133 N.W.2d 709 (1965). The six criteria include evidence showing

"(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those properties, (3) the actual

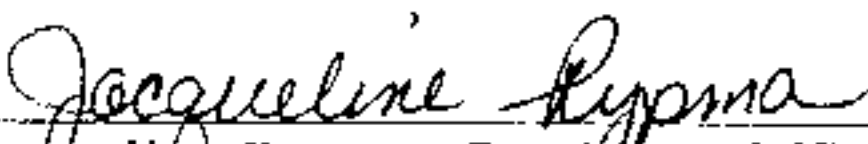
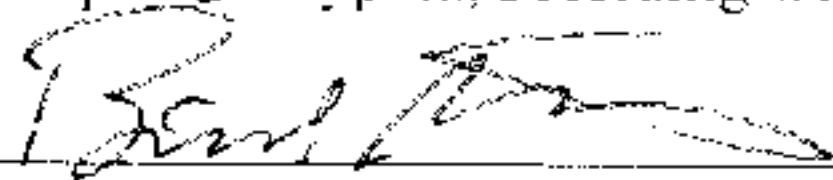
value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the actual valuations of the similar and comparable properties, thus creating a discrimination.”

Id. at 579-580. The gist of this test is ratio difference between assessment and market value, even though Iowa law now requires assessments to be 100% of market value. § 441.21(1). The preponderance of the evidence does not prove inequitable assessment by either test in the January 1, 2011, assessment.

Therefore, we affirm the property assessment as determined by the Board of Review. The Appeal Board determines that the property assessment value as of January 1, 2011, is \$119,890, representing \$8840 in land value and \$111,050 in dwelling value.

THE APPEAL BOARD ORDERS that the January 1, 2011, assessment as determined by the Dallas County Board of Review is affirmed.

Dated this 20 day of December 2011.


Jacqueline Rypma, Presiding Officer

Richard Stradley, Board Chair

Copies to:
Hope LeFleur
511 S 4th Street
Adel, 50003
APPELLANT

Wayne Reisetter
Dallas County Attorney
207 N. 9th Street
Adel, IA 5003-1444
ATTORNEY FOR APPELLEE

Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>12-20</u> , 201 <u>1</u> .	
By	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
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Signature	